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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2931

03/10/2014 Authored by Bly
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; modifying certain special education provisions; amending
1.3 Minnesota Statutes 2012, section 125A.08.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2012, section 125A.08, is amended to read:

1.6 **125A.08 INDIVIDUALIZED EDUCATION PROGRAMS.**

1.7 (a) At the beginning of each school year, each school district shall have in effect, for
1.8 each child with a disability, an individualized education program.

1.9 (b) As defined in this section, every district must ensure the following:

1.10 (1) all students with disabilities are provided the special instruction and services
1.11 which are appropriate to their needs. Where the individualized education program team
1.12 has determined appropriate goals and objectives based on the student's needs, including
1.13 the extent to which the student can be included in the least restrictive environment,
1.14 and where there are essentially equivalent and effective instruction, related services, or
1.15 assistive technology devices available to meet the student's needs, cost to the district may
1.16 be among the factors considered by the team in choosing how to provide the appropriate
1.17 services, instruction, or devices that are to be made part of the student's individualized
1.18 education program. When proposing changes to a student's individualized education
1.19 program, including a change in the location where instruction or a service is provided, the
1.20 individualized education program team shall consider the effect of change on the student's
1.21 time both in and outside of instruction and services provided under the individualized
1.22 education program. The individualized education program team shall consider and
1.23 may authorize services covered by medical assistance according to section 256B.0625,
1.24 subdivision 26. The student's needs and the special education instruction and services to

2.1 be provided must be agreed upon through the development of an individualized education
2.2 program. The program must address the student's need to develop skills to live and work
2.3 as independently as possible within the community. The individualized education program
2.4 team must consider positive behavioral interventions, strategies, and supports that address
2.5 behavior for children with attention deficit disorder or attention deficit hyperactivity
2.6 disorder. During grade 9, the program must address the student's needs for transition from
2.7 secondary services to postsecondary education and training, employment, community
2.8 participation, recreation, and leisure and home living. In developing the program, districts
2.9 must inform parents of the full range of transitional goals and related services that should
2.10 be considered. The program must include a statement of the needed transition services,
2.11 including a statement of the interagency responsibilities or linkages or both before
2.12 secondary services are concluded;

2.13 (2) children with a disability under age five and their families are provided special
2.14 instruction and services appropriate to the child's level of functioning and needs;

2.15 (3) children with a disability and their parents or guardians are guaranteed procedural
2.16 safeguards and the right to participate in decisions involving identification, assessment
2.17 including assistive technology assessment, and educational placement of children with a
2.18 disability;

2.19 (4) eligibility and needs of children with a disability are determined by an initial
2.20 assessment or reassessment, which may be completed using existing data under United
2.21 States Code, title 20, section 33, et seq.;

2.22 (5) to the maximum extent appropriate, children with a disability, including those
2.23 in public or private institutions or other care facilities, are educated with children who
2.24 are not disabled, and that special classes, separate schooling, or other removal of children
2.25 with a disability from the regular educational environment occurs only when and to the
2.26 extent that the nature or severity of the disability is such that education in regular classes
2.27 with the use of supplementary services cannot be achieved satisfactorily;

2.28 (6) in accordance with recognized professional standards, testing and evaluation
2.29 materials, and procedures used for the purposes of classification and placement of children
2.30 with a disability are selected and administered so as not to be racially or culturally
2.31 discriminatory; and

2.32 (7) the rights of the child are protected when the parents or guardians are not known
2.33 or not available, or the child is a ward of the state.

2.34 (c) For paraprofessionals employed to work in programs for students with
2.35 disabilities, the school board in each district shall ensure that:

3.1 (1) before or immediately upon employment, each paraprofessional develops
3.2 sufficient knowledge and skills in emergency procedures, building orientation, roles and
3.3 responsibilities, confidentiality, vulnerability, and reportability, among other things, to
3.4 begin meeting the needs of the students with whom the paraprofessional works;

3.5 (2) annual training opportunities are available to enable the paraprofessional to
3.6 continue to further develop the knowledge and skills that are specific to the students with
3.7 whom the paraprofessional works, including understanding disabilities, following lesson
3.8 plans, and implementing follow-up instructional procedures and activities; and

3.9 (3) a districtwide process obligates each paraprofessional to work under the ongoing
3.10 direction of a licensed teacher and, where appropriate and possible, the supervision of a
3.11 school nurse.

3.12 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
3.13 later.